

R E M A R K S

Applicants have carefully reviewed the Office Action dated March 11, 2003, and respectfully request reconsideration in view of the following remarks. A separate petition and fee to extend the time to respond by 1 month accompany this response.

Claims 1-13 pending in this application were rejected.

Claim Rejections

Claims 1-13 were rejected under 35 U.S.C. 102(e) as anticipated by Corrigan et al (US 6,522,977).

At the outset, Claims 1, 3, 5, 7, and 11 have been amended to clearly point out that there is no need to input physical color readings into the claimed method to identify the matching paint formulation. The claimed method only requires a very limited set of information, as described on page 5, lines 29-30 and page 7, lines 17-25 of the specification, before processing the input data and locating the matching paint. The terms "gathering only" and "ascertaining only" have been used in the claims to clearly point out that physical color readings are not needed to locate the matching paint.

The desire to avoid using paint color measurements from the vehicle in question is clearly stated in the background section of the instant specification (see, page 2, lines 10-22). This portion of the specification explains that one advantage of the present invention is that it does not require the placement of expensive optical equipment in the body shop, such as colorimeters and spectrophotometers, to identify the matching refinish paint formulation. Accordingly, the invention as now claimed only requires certain specific easy-to-obtain information and does not require physical color readings to be obtained before a matching paint formulation is identified.


Corrigan et al., on the other hand, require the body shop to first take physical color measurements of an unaffected portion of the vehicle's paint and then input both the physical color readings (taken from the original paint) and the vehicle's individual VIN information into the computer before the matching paint is found. The method then simultaneously utilizes, on a weighted basis, both sets of information to determine the best color match paint formulation for the vehicle being repaired.

As previously mentioned, this plainly contrasts with the method of the present invention which avoids the need to obtain paint color measurements from the vehicle. In the claimed method, the body shop needs only to gather the relevant VIN information and the factory (i.e., manufacturer's) paint code from the vehicle in question, as specified in the claims, and optionally the manufacture date of the vehicle, as specified in certain claims, and then input this information into the claimed method. There is no need to simultaneously input physical color readings (taken from the vehicle) into the claimed method.

It is understood that color readings can only be taken with expensive optical equipment (e.g., colorimeters) that must be placed in a body shop. Nowadays, only about 25% of the body shops even have such equipment. For those with access to a colorimeter or spectrophotometer, color readings can be used after the input data has been processed and a matching formula has been located to verify the color match of the located formula (see page 11, lines 15-25), but this color data is not needed to run the method of the invention. The method of the present invention achieves a color match for the vehicle's original finish that is correct a high percentage of the time, without the need for such expensive optical equipment (see again, page 2, lines 10-22 of the instant specification). Consequently, the claimed method clearly differs from Corrigan et al. and the claims now clearly set forth those differences.

The Applicants have amended the claims to more clearly point out the invention and the patentable differences between Applicants' invention and the cited art have been set forth. The application should now be in allowable form. If for some reason the application is not allowable, Applicants' attorney request a telephonic interview with the Examiner to discuss the case and any additional amendments to the claims that may be required to place the case in allowable form.

Respectfully submitted,


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Dated: 7-10-03